

INTRADEPARTMENTAL CORRESPONDENCE

September 29, 2020

3.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER-INVOLVED SHOOTING, FID NO. 055-19

RECEIVED
POLICE COMMISSION
2020 SEP 29 AM 11:26

Honorable Members:

The following is my review, analysis, and findings for Officer-Involved Shooting (OIS), Force Investigation Division (FID) No. 055-19. A Use of Force Review Board (UOFRB) was convened on this matter on August 26, 2020. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On November 29, 2019, Officers J. Sagbigal, Serial No. 41681, and A. Cepeida, Serial No. 38386, Hollenbeck Area, Gang Enforcement Detail (GED), were in full uniform driving a marked black and white hybrid police vehicle.² Officer Cepeida was the driver while Officer Sagbigal was the front passenger. Officers Sagbigal and Cepeida were wearing body worn video (BWV) devices mounted on their chests during the incident (**Additional/Equipment – Required Equipment**).

According to Officer Sagbigal, he and Officer Cepeida were partners and had worked together for approximately one year. Officers Sagbigal and Cepeida had been assigned Hollenbeck Area, GED for approximately *one year* and were assigned to the Krazy Ass Mexican (KAM) criminal street gang. Officers Sagbigal and Cepeida had, on numerous occasions, discussed contact and cover, apprehension versus containment, and the establishment of perimeters. Officers Sagbigal and Cepeida's plans regarding communications depended *on contact and cover* roles wherein the cover officer would *maintain all communications*. Officer Sagbigal frequently received updates on gang activity from senior officers, narcotics investigators, and officers within the Hollenbeck Area.

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

² Officer Sagbigal and Cepeida's hybrid vehicle was equipped with a forward-facing red light, siren, and digital in-car video system (DICVS).

According to Officer Sagbigal, while assigned to Hollenbeck Area, GED he had previously contacted Nathan Tovar, a known KAM gang member with the moniker of “Grenas” or “Hencer”, and arrested him approximately one month prior for a probation violation³. On the day he arrested Tovar for the probation violation, Officer Sagbigal had contacted the Los Angeles County Probation Department and obtained Tovar’s conditions of formal probation, which included a waiver of his search and seizure rights, curfew restrictions, and prohibitions from congregating with other gang members.

According to Officer Cepeida, approximately one week prior to November 29, 2019, he was notified by Detective R. Chavez, Serial No. 31642, Hollenbeck Area, Narcotics Enforcement Detail (NED), that Tovar had been released from custody following an arrest for narcotics and possession of a handgun.

According to the FID investigation, Officers Sagbigal and Cepeida were aware of various gang feuds involving the *KAM, Santillo, and Maravilla* criminal street gangs. Additionally, Officer Sagbigal had knowledge of recent gang activity, which included a *homicide* where a KAM gang member was *killed*. Officers Sagbigal and Cepeida also knew that KAM territory was listed on Hollenbeck Patrol *mission sheets*, which direct patrol officers to conduct extra police *presence* in high crime areas.

According to Officer Sagbigal, he and Officer Cepeida drove *southbound on Fickett Street, passing Malabar Street* to provide extra *police presence* in that area. As Officer Cepeida drove southbound, they approached 621 Fickett Street, known as the *heart and soul* of KAM territory, where Officers Sagbigal and Cepeida observed approximately *four to five* known KAM gang members within the courtyard of 621 Fickett Street. As they continued southbound, they approached an east-west alley, which was south of 621 Fickett Street.⁴ Officer Sagbigal observed an individual walking east from the alley then north on the west sidewalk of Fickett Street. Officer Sagbigal immediately recognized the person as Tovar and knew Tovar did not live at or near 621 Fickett Street.

According to Officer Cepeida, he and Officer Sagbigal were travelling southbound on Fickett Street approaching the intersection of Malabar Street. As they were *pulling up to* 621 Fickett Street, Officer Cepeida observed *four to five gang members* in the courtyard of the apartment complex. Officer Sagbigal stated, “Hey, there’s someone right there” and asked Officer Cepeida *to stop so that Officer Sagbigal could make an observation*. As Officer Cepeida stopped the police vehicle, Officer Sagbigal illuminated the individual with his flashlight, and identified the individual as *Grenas (Tovar)* and stated, “He’s running.” Officer Sagbigal then exited their police vehicle and “gave chase” (**Debriefing Point No. 1 – Code Six**).

³ At the time of this incident Nathan Tovar was on formal probation for 11370.1(A) of the Health and Safety Code (Possession of a controlled substance while armed with a loaded armed with a firearm). Tovar’s formal probation began December 1, 2016, and he had been incarcerated on multiple occasions for violating terms of his release from prison.

⁴ The location of 621 Fickett Street is immediately adjacent to the east-west alley.

According to Officer Sagbigal, he alerted Officer Cepeida that he observed Tovar and stated, “Hey, it’s Grenas, he’s running.” Once Officer Sagbigal alerted him, Officer Cepeida stopped their police vehicle adjacent to the alley. Officer Sagbigal exited the police vehicle and yelled at Tovar, telling him to *stop*. Tovar, approximately ten feet away from Officer Sagbigal, looked over at Officer Sagbigal and immediately ran northbound on the west sidewalk of Fickett Street. Officer Sagbigal yelled, “Grenas, stop” and in response Tovar replied, “fuck you” as Tovar continued to run northbound (**Additional Tactical Debrief Topics – Tactical Communications/Planning and Additional/Equipment –Body Worn Video**).

Note: The FID investigation revealed that although both Officers Cepeida and Sagbigal had prior knowledge of Tovar and his conditions of probation, on the day of the incident, they were not actively looking for Tovar and did not intend on encountering him.

According to Officer Sagbigal, he observed Tovar run westbound from Fickett Street onto Malabar Street using the west sidewalk. Officer Sagbigal followed but took a *wide turn* onto Malabar Street *while running*. As he did so, Officer Sagbigal used *the middle of the street to create distance and cover*. Officer Sagbigal utilized the cars parked along the south curb as cover. Officer Sagbigal believed his best course for safety purposes, was to avoid rounding the corner as Tovar had done. Officer Sagbigal heard the tires of their police vehicle *squealing* and knew Officer Cepeida was following behind him in their police vehicle. Officer Sagbigal was in *apprehension mode* (**Debriefing Point No. 2 – Utilization of Cover and Additional Tactical Debrief Topics – Foot Pursuit Broadcast**).

According to Officer Cepeida, once Officer Sagbigal stepped out of their police vehicle, Officer Sagbigal began running. Initially, Officer Cepeida did not see Tovar and did not know what direction he was running because he did not see him in front of his police vehicle. Officer Cepeida came to the conclusion that Tovar ran northbound. Officer Cepeida remained inside his police vehicle and drove in reverse, in a north direction. Officer Cepeida remained in his police vehicle because of other *gangsters hanging out at 621 and 625 Fickett Street*. Officer Cepeida believed leaving his police vehicle in front of the location and following Officer Sagbigal on foot would have led to the possibility of a *gang mob* gathering around his police vehicle. Additionally, Officer Cepeida believed staying in his vehicle allowed him the ability to *catch up to Officer Sagbigal or to close off the other side of the block to contain Tovar* (**Additional/Equipment – Body Worn Video**).

While driving in reverse, Officer Cepeida maintained a visual on his partner, Officer Sagbigal, by looking back through the rear window of the police vehicle. From this position, he was able to see Officer Sagbigal run northbound Fickett Street. Officer Cepeida also maintained an awareness for vehicle traffic as he approached the intersection at Malabar Street. As Officer Cepeida observed Officer Sagbigal *run from northbound Fickett Street to westbound on Malabar Street*, he followed his partner by negotiating an *L-turn*, reversing into Malabar Street and then driving forward westbound on Malabar Street (**Additional Tactical Debrief Topic – Separation/Foot Pursuit Tactics**).

According to Officer Sagbigal, as he ran after Tovar in a westerly direction on Malabar Street, he observed Tovar stop and make *eye contact* with him. Officer Sagbigal observed Tovar reach into his *waistband* and produce a *black object in his hand*. Officer Sagbigal *heard gunshots* and observed *muzzle flashes*. Officer Sagbigal realized he *was being shot at* by Tovar and had *got hit by a gunshot*. Officer Sagbigal felt *immense pain* and could not use his left arm. Officer Sagbigal utilized his right hand to draw his service pistol from the holster on the right side of his duty belt (**Drawing/Exhibiting – 1st Occurrence**).

Note: The FID investigation revealed Tovar fired three rounds from his handgun in the direction of Officer Sagbigal.

According to the FID investigation, Officer Sagbigal ran a total distance of 280 feet in approximately 16 seconds. During the entirety of that distance, Officer Cepeida was seated and driving in his police vehicle. From the time Officer Cepeida stopped his police vehicle on Fickett Street and Officer Sagbigal exiting the police vehicle and running after Tovar, to the point that Officer Cepeida stopped his vehicle on Malabar Street to approach an already shot and fallen Officer Sagbigal, approximately twenty seconds had elapsed.

According to Officer Sagbigal, he felt a lot of blood and wanted to make Tovar stop shooting at him. Officer Sagbigal saw Tovar's *face* and *acquired a target* of Tovar's *center body mass*. Officer Sagbigal acquired a *shooting stance* and with his *right hand, punched out* his service pistol. Due to the injury to his left arm, Officer Sagbigal utilized a standing one-hand firing position using his right hand to return fire at Tovar. Officer Sagbigal fired approximately *three to four rounds* from his service pistol in a *consecutive* manner, from an approximate distance of *thirty to forty feet*, while assessing *between rounds* (**Lethal Force**).

Note: The FID investigation revealed Officer Sagbigal fired 5 rounds with his service pistol and Tovar sustained no injuries as a result of Officer Sagbigal's gunfire.

According to Officer Cepeida, he heard *two to three* gunshots while in his police vehicle. Officer Cepeida became *concerned* because he did not know from where the shots had come from. As he began to drive westbound on Malabar Street, Officer Cepeida *immediately* observed Officer Sagbigal *return fire* with his service pistol, in a southwesterly direction. Officer Cepeida observed Officer Sagbigal take approximately *two or three steps* after firing on the move. Officer Cepeida immediately stopped his police vehicle and observed Officer Sagbigal fall to the ground. Officer Cepeida believed Officer Sagbigal had been *shot in the leg* based on the way he fell.

Note: The FID investigation revealed Officer Cepeida did not observe Officer Sagbigal's service pistol as Officer Sagbigal fired. Additionally, the investigation revealed that Officer Cepeida was 109 feet away from Officer Sagbigal at the time Officer Cepeida maneuvered the police vehicle from northbound Fickett Street to westbound Malabar Street.

According to Officer Cepeida, after stopping and exiting his police vehicle he utilized his hand held police radio to make his first broadcast which was a help call.⁵

According to the FID investigation, Officer Cepeida broadcast, "Shots fired! Shots fired! Officer needs help! Malabar and Fickett."

As Officer Cepeida got closer to Officer Sagbigal, he drew his service pistol to provide *cover* for Officer Sagbigal. Officer Cepeida approached Officer Sagbigal while trying to *pan from left to right, as far as the south side all the way to the southwest side of the street* to see if Tovar had a *position of advantage* to *ambush* them. Officer Cepeida asked Officer Sagbigal if he knew where Tovar was located. Officer Sagbigal indicated Tovar went in a westerly direction. Officer Cepeida then heard a sound coming from a southwest direction. Officer Cepeida utilized a *Harries technique* with his flashlight to illuminate the sidewalk. Officer Cepeida approached the southwest curb and observed Tovar lying on the ground **(Drawing/Exhibiting)**.⁶

According to Officer Cepeida, he observed Tovar lying in an *awkward* position, with the side of his body partially leaning on a *small wall*.⁷ Officer Cepeida observed a black handgun, which appeared to be a *Glock* brand handgun, on the sidewalk, approximately three to four feet away from Tovar's reach.⁸ Officer Cepeida continually assessed the situation by watching Tovar and periodically looking back at Officer Sagbigal. Officer Cepeida took a *position of advantage*, by stepping onto the south sidewalk, to get a clear view of Tovar. Officer Cepeida utilized his right thumb to pull back the hammer of his double action service pistol and cocked it in the event Tovar got *up quickly* and Officer Cepeida needed to be ready to take one *precise shot* **(Debriefing Point No. 2 – Utilization of Cover and Additional/Equipment – Profanity)**.

The FID investigation revealed Officer Cepeida activated his BWV at this point and broadcast the following to Communications Division (CD) over the Hollenbeck Base Frequency, "Four George-12, officer down! I got the suspect. It's going to be on Malabar, just west of Fickett. Have units respond either direction on Malabar from Soto or Fickett."⁹

The FID investigation revealed the following personnel responded to the help call: Lieutenant M. Bautista, Serial No. 32051, Hollenbeck Patrol Division, Watch Commander, Sergeants J. Chacon, Serial No. 32437, L. Olea, Serial No. 35700, and J. Vasquez, Serial No. 30976, Hollenbeck Area, GED, Sergeants B. Washington, Serial No. 32231, and D. Trimble, Serial No. 38304, Hollenbeck Patrol Division, Sergeants N. Giordano, Serial No. 37993, and

⁵ Officer Cepeida stopped his vehicle approximately one vehicle length away from Officer Sagbigal and one property west of 621 Fickett Street.

⁶ The Harries technique involves holding the flashlight in your weak hand, crossing your weak hand under your gun hand, and then pressing the back of your weak hand against the back of your strong hand.

⁷ According to the FID investigation, Officer Cepeida's BWV captured Tovar lying down on the south sidewalk in front of 2446 Malabar Street.

⁸ The FID investigation revealed Tovar was armed with a 9mm pistol, Model P80 with a blue-steel slide and black polymer stock, and a Glock 10-round magazine. The pistol was found lying on the sidewalk in front of 2444 Malabar Street.

⁹ According to the FID investigation, five seconds after transitioning his vehicle's position from Fickett Street to Malabar Street, Officer Cepeida broadcast shots were fired. Approximately 22 seconds later, Officer Cepeida broadcast his Code Six location.

D. Trunco, Serial No. 39949, Northeast Patrol Division, Officers M. Gomez, Serial No. 37292, J. De La Riva, Serial No. 39039, H. Gomez, Serial No. 39806, G. Cabral, Serial No. 41795, R. Sweet, Serial No. 42017, R. Huerta, Serial No. 34863, K. Smith, Serial No. 41231, D. Guevara, Serial No. 41204, A. Gruendyke, Serial No. 41669, Hollenbeck Area, GED, Officers S. Escalera, Serial No. 41464, A. Lopez, Serial No. 42697, K. Delgado, Serial No. 43038, B. Mancía, Serial No. 43865, V. Muñoz, Serial No. 42552, C. Tovar, Serial No. 43029, V. Munoz, Serial No. 42552, V. Cardenas, Serial No. 43320, D. Cruz, Serial No. 43125, J. Rodriguez, Serial No. 43188, D. Perez, Serial No. 43303, E. Ramirez, Serial No. 42599, and Y. Davis, Serial No. 43126, Hollenbeck Patrol Division, Officers J. Diaz, Serial No. 40898, and R. Martinez, Serial No. 43459, Rampart Patrol Division, Officers M. Rolon, Serial No. 41378, J. Ramos, Serial No. 42600, J. Castro, Serial No. 41320, J. Ibarra, Serial No. 37640, J. Rico, Serial No. 43955, and E. Mejia, Serial No. 38143, Northeast Patrol Division, Officers K. Curtis, Serial No. 40858, M. Valencia, Serial No. 42783, A. Martinez, Serial No. 40639, D. Orlik, Serial No. 43947, and B. Huitz, Serial No. 43856, Central Patrol Division and Officer K. Parra, Serial No. 41677, Newton Patrol Division.

According to Officer Sagbigal, he was laying on his back in the middle of Malabar Street. After falling, Officer Sagbigal activated his BWV device. As Officer Cepeida left him to approach Tovar, Officer Sagbigal observed a large *crowd* forming. Officer Sagbigal's vision was *blurry* but believed he observed approximately 20 people in the crowd. Officer Sagbigal believed the *group* had come from a known gang residence on Malabar Street. Officer Sagbigal felt threatened as he was unsure if the group intended to *attack* him and *execute* him as he laid on the ground. Officer Sagbigal drew his service pistol again, holding it at a *low ready*, and ordered the group to get back (**Drawing/Exhibiting – 2nd Occurrence and Additional/Equipment – Profanity**).

The FID investigation revealed Officers M. Gomez, De La Riva, H. Gomez, Sweet, and Cabral arrived and joined Officer Cepeida as he maintained his position on the south sidewalk of Malabar Street.

According to Officer De La Riva, after he and Officer M. Gomez arrived together at scene he was unaware if it was still an active tactical situation and was unsure if there were additional suspects nearby. Officer De La Riva knew there had already been *shots fired at an officer* who had already been *hit* by the gunfire. Officer De La Riva drew his service pistol, holding it in a *two-hand low ready* with his finger along the frame (**Drawing/Exhibiting**).

According to Officer M. Gomez, he exited his police vehicle and, knowing the suspect was *not in custody yet* and an officer had been fired upon, believed another shooting incident could have occurred and other officers or citizens on the street could be *hurt*. Officer M. Gomez drew his service pistol. Officer M. Gomez observed Officers De La Riva and Cepeida with their service pistols drawn. Officer M. Gomez determined he did not need to remain drawn and therefore holstered his service pistol and walked to Officer Cepeida's location (**Drawing/Exhibiting**).

The FID investigation revealed Officers Escalera, Lopez, Huerta, and Smith arrived, and, with Officer M. Gomez, approached Officer Sagbigal to assess his condition. Officer M. Gomez began applying a tourniquet to Officer Sagbigal's left arm. However, prior to completing the

application, Officer Sagbigal entered the back seat of Officers Guevara and Gruendyke's police vehicle for transport to Los Angeles County, University of Southern California Medical Center (LAC+USC Medical Center).

According to Officer Guevara, upon arrival to the scene he observed Officer Sagbigal being carried by Officers Huerta and Smith. Officer Guevara observed Officer Sagbigal bleeding from a wound to his left arm. Officer Guevara was unsure if Officer Sagbigal's injury was a *flesh wound* or *arterial bleeding* and given their close proximity to LAC+USC Medical Center the decision was made that he and Officer Gruendyke should transport Officer Sagbigal to the hospital for medical treatment.

According to Sergeant Chacon, he was at the Hollenbeck Patrol Division, Community Police Station (CPS), when he heard the shots fired call and ran to his patrol vehicle in the parking lot. Sergeant Chacon waited for Sergeant Olea to enter his police vehicle before responding to the OIS location with him. While driving, Sergeant Chacon began formulating a plan with Sergeant Olea. Sergeant Chacon was going over the *administrative and tactical portion* of their *responsibilities* and brought up *separation*, getting the involved officer's Public Safety Statements (PSS), and getting medical treatment for wounded officers. Upon arrival, Sergeant Chacon verified that Officer Sagbigal was being transported immediately to a medical facility. Sergeant Chacon observed officers at a *low-ready* with their service pistols as they monitored Tovar.

According to the FID investigation, at 1914 hours, Sergeant Chacon broadcast to CD he was the Incident Commander (IC).

While at scene, Sergeant Chacon observed Officer H. Gomez *bend down* and pick up Tovar's handgun. Sergeant Chacon immediately ordered Officer H. Gomez to not touch the handgun and to stand guard over it.

Note: The FID investigation revealed that in response to Sergeant Chacon's direction, Officer Gomez returned the suspect's firearm to the approximate location from where she picked it up. This was captured on BWV.

Sergeant Chacon observed Tovar on his *left side*, lying on the *sidewalk*, with his *right side* elevated against a *small wall or gate*. Tovar's hands were up around his *head area* and Tovar was not holding anything in his hands. Sergeant Chacon ordered the officers to have Tovar roll onto his stomach before they approached him. Sergeant Chacon assigned Officers Cepeida, De La Riva, and M. Gomez as the arrest team. Sergeant Chacon directed Sergeant Olea to separate, monitor, and to take a Public Safety Statement (PSS), from Officer Cepeida. Sergeant Chacon ordered Sergeant Vasquez, to respond to LAC+USC Medical Center to take a PSS from Officer Sagbigal. Sergeant Chacon then began establishing a Command Post (CP) and directed Sergeant Washington to act as the operations officer at the CP. Sergeant Chacon verified there were no outstanding suspects and with the assistance of Sergeant Washington directed uninvolved officers to establish an inner and outer crime scene (**Additional/Equipment – Preservation of Evidence and Body Worn Video**).

According to Sergeant Chacon, he directed officers to canvass and check the surrounding area for victims and witnesses. Additionally, Sergeant Chacon began establishing *an inner perimeter, where the OIS occurred, and then an outside perimeter.*

According to Officer Cepeida, he maintained his position on the south sidewalk of Malabar Street and monitored Tovar until Officers De La Riva and M. Gomez, along with additional units arrived, and an *arrest team* was formed. As soon as Officer Cepeida felt he had enough officers for an arrest team, Officer Cepeida began his approach with Officers De La Riva and Gomez to take Tovar into custody. Officer Cepeida ordered Tovar to get onto his stomach, but Tovar did not comply. Officer Cepeida holstered his service pistol and approached Tovar to handcuff him. Officer Cepeida knelt and placed his *left knee* on Tovar's *upper back* while his right knee was on Tovar's upper shoulder blade. Officer Cepeida utilized a firm grip with both hands to take hold of Tovar's right arm and move his arm and body off the wall. Officer Cepeida utilized a firm grip on Tovar's right wrist, with both hands, and placed it behind Tovar's back. Officer Cepeida applied a handcuff with his right hand onto Tovar's right wrist (**Non-Lethal Use of Force**).

According to the FID investigation, Officer Cepeida's BWV captured Officer Cepeida's right hand on the adjacent wall while his right leg was extended behind him. After 15 seconds of physical contact with Tovar, Officer Cabral's BWV showed Officer Cepeida with his left shin across the right side of Tovar's face. Tovar can be heard on BWV complaining of pain to his arm. Officer Cepeida had physical contact with Tovar for approximately thirty seconds.

According to Officer De La Riva, he observed Officer Cepeida *struggling* to take Tovar into custody. Officer De La Riva utilized *bodyweight* and placed his knees on Tovar's lower back. Officer De La Riva utilized a firm grip with his left hand to grab Tovar's left hand. Officer De La Riva brought Tovar's left hand to the handcuffs being applied by Officer Cepeida (**Non-Lethal Use of Force**).

According to Officer M. Gomez, he utilized his *bodyweight* and placed his right, *lower leg* onto Tovar's lower legs. Officer M. Gomez began searching Tovar's waistband for additional weapons. Tovar was then placed in a seated position (**Non-Lethal Use of Force and Additional/Equipment – Profanity**).

According to Sergeant Olea, while Tovar was being taken into custody, he directed his attention to the south sidewalk to look for additional suspects. After determining there were no additional suspects, Sergeant Olea returned to Officer Cepeida's location to separate and monitor him. After Officer Cepeida completed handcuffing Tovar, Sergeant Olea separated Officer Cepeida and walked him approximately twenty feet away from where Tovar was taken into custody. Sergeant Olea took Officer Cepeida's BWV, powered it off, and proceeded to admonish and take Officer Cepeida's PSS (**Additional/Equipment – Body Worn Video**).¹⁰

¹⁰ The FID investigation revealed Sergeant Olea's DICV captured him taking Officer Cepeida's PSS. While he did so, Officer Cepeida decocked the hammer of his service pistol from single action to double action.

According to Sergeant Chacon, he was unsure if Officers Cepeida, M. Gomez, and De La Riva had a problem handcuffing Tovar. Sergeant Chacon stated the area where Tovar was being taken into custody was dark making it difficult for him to see and he did not think the officers were *involved in a use of force*.

According to Officer M. Gomez, Tovar was assisted to his feet and walked over to a nearby police vehicle. Officer M. Gomez observed an *abrasion* on Tovar's forehead, but did not know how Tovar sustained the injury. Tovar began putting his feet together as Officers M. Gomez and De La Riva were searching him a second time, prior to placing Tovar in the backseat of the police vehicle. Officer M. Gomez ordered Tovar to keep his legs apart as he conducted his search. Tovar continued to place his feet together. Officer M. Gomez placed his left leg in between Tovar's legs to prevent him from placing his feet together again. While doing so, Officer M. Gomez accidentally stepped on Tovar's foot (**Additional/Equipment – Requesting Rescue Ambulance and Searches of Arrestees**).¹¹

The FID investigation revealed when Officer Sagbigal arrived at LAC+USC Medical Center, medical staff told Officer Huerta that Officer Sagbigal's service pistol and equipment had to be removed. Officer Huerta removed Officer Sagbigal's service pistol from its holster. Without manipulating the service pistol, Officer Huerta handed the service pistol to Officer Smith who secured Officer Sagbigal's pistol inside his police vehicle's trunk.

The FID investigation revealed Officer De La Riva placed Tovar in the rear seat of Officers Diaz and R. Martinez' police vehicle. Officers Diaz and R. Martinez transported Tovar to Hollenbeck CPS and completed his pre-booking. Subsequently, Tovar was booked for the attempted murder of a peace officer.

Sergeant Trimble monitored and separated Sergeant Chacon (**Additional/Equipment – Body Worn Video**).

Sergeant H. Arangure, Serial No. 31707, Hollenbeck Patrol Division, Assistant Watch Commander, notified the Department Operations Center (DOC), of the Categorical Use of Force at 1937 hours.

Lieutenant Bautista responded to the scene from Hollenbeck CPS after hearing the help call and declared himself as the IC over Hollenbeck Base Frequency. Lieutenant Bautista *shadowed* Sergeant Chacon and, in between Sergeant Chacon's broadcasts, Lieutenant Bautista asked him which officers were involved in the OIS to gather additional details. Lieutenant Bautista observed an unruly crowd forming nearby and assigned officers to the outer perimeter to ensure the crowd did not tamper with evidence. Lieutenant Bautista assigned Detective J. Cook, Serial No. 38319, Hollenbeck Detective Division, and Sergeant Trimble to assist with the setup and management the CP. Lieutenant Bautista tasked Sergeant Washington with canvassing the location to identify witnesses. Lieutenant Bautista determined the general direction of Officer Sagbigal and Tovar's respective backgrounds and bullet paths from their shooting positions.

¹¹ The FID investigation revealed a rescue ambulance (RA) responded shortly after the help call broadcast but, since Officer Sagbigal had already been transported for medical attention, the RA left the scene.

Lieutenant Bautista directed officers to canvass the area to ensure there were no other shooting victims. Lieutenant Bautista maintained telephonic communication with Sergeant Arangure to relay pertinent information.

Sergeant E. Yerkey, Serial No. 35188, Hollenbeck Patrol Division, responded from Hollenbeck CPS and arrived at the CP. Lieutenant Bautista directed Sergeant Yerkey to monitor and separate Officers De La Riva and M. Gomez. Sergeant Yerkey transported Officers De La Riva and M. Gomez to Hollenbeck CPS and after arriving at Hollenbeck CPS he continued to monitor Officers De La Riva and M. Gomez. Sergeant Yerkey additionally took over monitoring Officers Gruendyke and Guevara.

Sergeant J. Vasquez, Serial No. 30976, Hollenbeck Area, GED, responded to the location from Hollenbeck CPS after hearing the help call broadcast. Sergeant Vasquez arrived and met with Sergeant Chacon who directed him to respond to LAC+USC Medical Center to take Officer Sagbigal's PSS. Sergeant Vasquez responded to the hospital and met with Officer Smith who provided Sergeant Vasquez with Officer Sagbigal's BWV device. Sergeant Vasquez took Officer Sagbigal's PSS and admonished Officer Sagbigal not to discuss the incident and ensured he was monitored and separated from other officers.

FINDINGS

Tactics – Administrative Disapproval, Officers Sagbigal and Cepeida. Tactical Debrief, Sergeants Chacon and Olea, Officers De La Riva and M. Gomez.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Cepeida, De La Riva, and M. Gomez.

Drawing/Exhibiting – In Policy, No Further Action, Officers De La Riva, M. Gomez, Sagbigal and Cepeida.

Lethal Use of Force – In Policy, No Further Action, Officer Sagbigal.

ANALYSIS¹²

Detention

Officers Sagbigal and Cepeida were assigned to Hollenbeck Area, Gang Enforcement Detail and were aware of recent gang feuds between KAM, Santillo Boys, and Maravilla gang members. Additionally, Officers Sagbigal and Cepeida knew of a recent homicide in which a KAM gang member had been killed in KAM territory. Officers Sagbigal and Cepeida were provided information on Nathan Tovar, a KAM gang member who had been released from jail

¹² The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

after being placed under arrest for selling narcotics and possession of a handgun. Officer Sagbigal knew Tovar had conditions of probation, which included search and seizure as well as restrictions on curfew and congregating with other gang members. Officers Sagbigal and Cepeida had been directed to provide extra police presence in the KAM area.

Officers Sagbigal and Cepeida drove to the known KAM territory of Fickett Street and Malabar Street. While driving southbound on Fickett Street they passed an apartment complex at 621 Fickett Street, which was known for gang activity, and observed five KAM gang members in the courtyard within the complex. Officer Cepeida continued driving south on Fickett Street and as they passed the east/west alley, south of the apartment complex, Officer Sagbigal observed Tovar exiting the alley and approaching the west sidewalk of Fickett Street. Officer Sagbigal alerted Officer Cepeida who, in response, stopped their police vehicle. Officer Sagbigal exited the police vehicle and ordered Tovar to stop. Officer Sagbigal intended to conduct a pedestrian stop on Tovar due to his knowledge of Tovar's search conditions.

Officer Sagbigal observed Tovar look over at him and immediately run northbound on the west sidewalk of Fickett Street, toward Malabar Street. Officer Sagbigal pursued after Tovar as Officer Cepeida followed them from within his police vehicle, driving in reverse to follow Officer Sagbigal. Officer Sagbigal observed Tovar turn westbound onto Malabar Street and continued in foot pursuit of him. Officer Sagbigal observed Tovar stop and face him. Tovar produced a handgun and fired at Officer Sagbigal, striking him in the left arm. Officer Sagbigal returned fire and fell to the ground. Officer Cepeida turned west onto Malabar Street and observed Officer Sagbigal on the ground. Officer Cepeida drove to Officer Sagbigal, stopped his police vehicle and exited. Officer Cepeida approached Officer Sagbigal and began looking around for Tovar. Officer Cepeida heard a noise south of him and walked toward the sound of the noise. Officer Cepeida observed Tovar lying on the south sidewalk on his left side with his hands above his head. Officer Cepeida observed a handgun on the ground next to Tovar. Officer Cepeida broadcast a help call and waited for responding units to arrive. Officer Cepeida, along with Officers De La Riva and M. Gomez took Tovar into custody and placed him under arrest.

TACTICS

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Sagbigal and Cepeida had worked together for approximately one year and, during that time, had discussed tactical plans for different types of scenarios. Officers Sagbigal and Cepeida discussed apprehension mode and containment mode, as well as setting up perimeters when in containment mode. Officers Sagbigal and Cepeida discussed transporting themselves to a hospital if they were injured while on duty. Officers Sagbigal and Cepeida discussed crime trends, recent homicides, and gang activity. They also discussed Tovar’s formal probation status, conditions of his probation, and prior criminal history.

Officers M. Gomez and De La Riva, prior to start of watch, discussed a plan of who would be driving and who would be contact and cover. They determined the passenger who would be cover and the driver would be contact.

Sergeants Chacon and Olea responded to the help call, in the same vehicle, and discussed the administrative and tactical portions of their responsibilities. Sergeant Chacon discussed separating the involved officers to obtain their Public Safety Statements and getting medical treatment for wounded officers once at scene. After arriving, Sergeant Chacon ordered Officers Cepeida, M. Gomez, and De La Riva to ensure Tovar was on his stomach before they approached him to take him into custody.

Officers M. Gomez and De La Riva arrived at the OIS location and went to assist Officer Cepeida, who was monitoring Tovar. Officers Cepeida, M. Gomez, and De La Riva formulated a plan and determined Officer Cepeida would handcuff while Officers M. Gomez and De La Riva would gain control of Tovar's arms initially.

Sergeant Chacon began assigning sergeants to monitor the involved officers, obtain the officers' PSS, and began setting up the CP location.

Assessment – Prior to the OIS, Officers Sagbigal and Cepeida began driving down Fickett Street, from Malabar Street, and observed five KAM gang members at 621 Fickett Street. Assessing his surroundings led to Officer Sagbigal identifying Tovar exiting the alley. Shortly after, Officer Sagbigal, while in foot pursuit of Tovar, began approaching Malabar Street and assessed his positioning in relation to Tovar, making a wide turn onto Malabar Street to prevent placing himself in a disadvantageous position. After Officer Sagbigal was fired upon by Tovar and struck, Officer Cepeida arrived and approached Officer Sagbigal. Unable to see Tovar, Officer Cepeida assessed his surroundings and heard a noise south of his location, which led him to locate Tovar lying on the south sidewalk of Malabar Street. While on the ground, Officer Sagbigal continued to assess and observed a crowd approaching him. Officer Sagbigal effectively ordered the crowd to stay back.

Sergeants Chacon and Olea exited their vehicle upon their arrival and immediately assessed the scene. When doing so, Sergeant Chacon observed Officer H. Gomez bend down and pick up Tovar's handgun. Sergeant Chacon immediately ordered Officer H. Gomez to not touch the handgun. BWV at the scene captured Officer H. Gomez replacing Tovar's handgun to the approximate location where she picked it up.

Sergeant Olea began looking for additional suspects. While Sergeant Chacon was talking to Officer H. Gomez, Sergeant Olea walked over to Officer Cepeida and ensured an arrest team was in place.

Time – Officer Cepeida monitored Tovar as he waited for responding units to arrive. When the responding units arrived, Officer Cepeida reminded officers to wait until a full arrest team was formed. Officers again urged Officer Cepeida to take Tovar into custody. However, Officer Cepeida again reminded his fellow officers that they could wait longer. Officer Cepeida waited for the formation of a full arrest team, then made his approach to take Tovar into custody.

Sergeants Chacon and Olea utilized the time it took for them to drive from Hollenbeck station to the OIS location and planned for the administrative portion of the incident as well as the tactical aspect.

Redeployment and/or Containment – Officer Sagbigal stated he was unaware of Tovar possessing a handgun and was therefore in apprehension mode. Officer Cepeida chose to redeploy from within his vehicle by reversing in the direction of Officer Sagbigal to maintain a line of sight. Officer Cepeida stated he did not want to leave his vehicle in front of the gang location of 621 Fickett Street due to vehicle damage or a mob coming after them.

Following the OIS and assessing his partner, Officer Cepeida advanced on Tovar and maintained a position of advantage by utilizing cover behind a Chevrolet sport utility vehicle parked along the south curb.

Other Resources – Officers Sagbigal and Cepeida attempted to engage Tovar without coordinating with other units.

Officer Cepeida waited for additional units to respond before taking Tovar into custody.

Sergeant Chacon utilized responding supervisors and assigned them each to an officer involved in the OIS.

Lines of Communication – Officer Sagbigal communicated with Officer Cepeida about seeing Tovar exiting the alley. However, the officers did not communicate their Code Six location prior to initiating contact with Tovar. Following the OIS, Officer Cepeida utilized his handheld police radio to put out a help call and Tovar's location.

With additional officer at scene, the officers coordinated their actions by communicating with each other. Specifically, Officer M. Gomez communicated with Officers De La Riva and Cepeida while taking Tovar into custody how to position Tovar's body and to straighten his legs.

Sergeant Chacon immediately began communicating with officers once he arrived at the OIS location. Sergeant Chacon ordered Officer H. Gomez to preserve evidence by monitoring Tovar's handgun. Sergeant Chacon also ordered the officers to not approach Tovar until he was safe to approach. When Sergeant Chacon was unsure if the officers heard him, he ordered Tovar to roll onto his stomach. Sergeant Chacon also announced himself as IC via Communications Division.

The UOFRB noted Officers Sagbigal and Cepeida's plan, prior to their shift, showed thorough communication with each other regarding contact, cover, and radio communications. Officer Cepeida's quick use of his police radio to broadcast information on the OIS, their location, Officer Sagbigal's condition, and Tovar's location ensured that the responding units had the necessary information needed to safely and effectively respond to their location. Officer Cepeida immediately observed a handgun next to Tovar and held his position until backup units arrived.

The UOFRB also noted Officer Cepeida's method of redeployment which caused unnecessary separation between the officers. Officer Cepeida remained in his vehicle over concern that gang members from 621 Fickett Street might damage their police vehicle were he to leave their vehicle in front of the location and get out on foot to maintain a close distance to Officer Sagbigal.

Additionally, the UOFRB noted Officers Sagbigal and Cepeida's knowledge of KAM gang members and, specifically, Tovar, his recent release and subsequent probation conditions permitting search and seizure. Despite these facts, Officers Sagbigal and Cepeida failed to create a plan in the event they contacted Tovar. The UOFRB noted Officer Cepeida's statement in which he acknowledged that he and Officer Sagbigal did not plan to stop Tovar.

Additionally, upon seeing Tovar, Officers Sagbigal and Cepeida did not utilize time to their advantage and instead, Officer Sagbigal reacted to Tovar by chasing after him, leaving Officer Cepeida without advising him. Officer Sagbigal's actions had a domino effect resulting in Officers Sagbigal and Cepeida being separated and eventually, Officer Sagbigal being alone with Tovar. Additionally, Officer Cepeida was at such a great distance from Officer Sagbigal that he was not able to tactically engage with Tovar at the time Tovar shot at Officer Sagbigal.

The UOFRB noted Sergeants Chacon and Olea's effective communication with each other while enroute to the OIS.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 **Code Six** (Substantial Deviation, Without Justification – Officers Sagbigal and Cepeida)

Officers Sagbigal and Cepeida verified Tovar was on formal probation, with search conditions, prior to the beginning of their shift.¹³ During their shift, Officers Sagbigal and Cepeida drove past a documented KAM gang apartment building and observed four to five gang members in the courtyard. After passing the apartment building, they continued driving southbound on Fickett Street and approached an east/west alley, just south of the apartment building. Tovar exited the alley, walking eastbound, and approached the west sidewalk of Fickett Street. Officer Sagbigal observed Tovar exiting the alley and notified Officer Cepeida of his observation. Officer Cepeida stopped his vehicle and Officer Sagbigal exited. Officer Sagbigal stated he planned to conduct a pedestrian stop on Tovar because he was prohibited from congregating with gang members, as part of his probation conditions.

Neither Officer Sagbigal nor Officer Cepeida broadcast their activity (pedestrian stop) to CD and did not broadcast their Code Six location.

In this incident, Officers Sagbigal and Cepeida were driving in a known gang area towards a known gang location of 621 Fickett Street. Officers Sagbigal and Cepeida had knowledge of Tovar's probation status and conditions. Although the officers were not specifically going to the location to conduct a stop on Tovar, officers are required to broadcast their Code Six location prior to initiating enforcement actions such as a pedestrian stop. Officer Sagbigal, upon observing Tovar, did not broadcast their Code Six location. Additionally, Officer Sagbigal stepped out of his vehicle and verbally engaged with Tovar. Officer Sagbigal stated he intended to stop Tovar at that point. Officer Sagbigal did not broadcast a pedestrian stop. Officer Sagbigal then engaged Tovar in a foot pursuit and did not broadcast his engagement at that point either.

¹³ The FID investigation revealed Tovar was still on formal probation and had search/seizure conditions, as well as a curfew and a restriction from congregating with other gang members.

The UOFRB noted that prior to initiating contact with Tovar, there were no circumstances creating an exigency. The lack of exigency provided Officers Sagbigal and Cepeida ample time to place themselves Code Six upon Officer Sagbigal's observation of Tovar and prior to Officer Sagbigal exiting his police vehicle. Additionally, the expectation for officers engaging in foot pursuit is a broadcast to notify Communications Division of the tactical situation as well as direction of travel and suspect description.

The UOFRB also noted Officer Cepeida's reason for not being able to broadcast their Code Six location or the foot pursuit. Due to Officer Cepeida following Officer Sagbigal from inside their police vehicle, he stated he could not broadcast due to driving (in reverse initially) and watching partner, Officer Sagbigal, simultaneously. Alternatively, if Officer Cepeida had got out on foot and followed Officer Sagbigal, he would have been able to broadcast their Code Six location, the foot pursuit, and a suspect description and their direction of travel.

Based on the totality of the circumstances, I have determined that Officers Sagbigal and Cepeida's actions were a substantial deviation, without justification, from approved Department tactical training. In an effort to enhance their future tactical performance, I will direct that this topic be discussed during the Tactical Debrief.

Debriefing Point No. 2 Utilization of Cover (Substantial Deviation, Without Justification – Officers Sagbigal and Cepeida)

Officer Sagbigal engaged in a foot pursuit to apprehend Tovar. When Officer Sagbigal ran west onto Malabar Street from Fickett Street, he stated he was running down the middle of the street to create distance between himself and Tovar. However, as Officer Sagbigal did so, he was not utilizing cover.

The UOFRB noted, initially Officer Sagbigal was in foot pursuit of Tovar and, as he did so, he utilized vehicles parked along the west curb on Fickett Street. However, after conducting a wide turn onto Malabar Street to avoid a possible ambush by Tovar, his path of travel left him running in the middle of Malabar Street without cover. Officer Sagbigal maintained his position in the middle of the street and no longer used the benefit of cover provided by vehicles parked along the south curb of Malabar Street. The UOFRB noted Officer Sagbigal, after transitioning from Fickett Street to Malabar Street, had ample time to redeploy to a position of cover.

Officer Cepeida exited his vehicle and walked up to Officer Sagbigal, who was lying on the ground in the center of Malabar Street, west of Fickett Street. Officer Cepeida was unable to ascertain Tovar's location. While standing near Officer Sagbigal, Officer Cepeida heard a noise coming from the south sidewalk, nearby. Officer Cepeida walked to the south curb, near 2446 Malabar Street, and observed Tovar lying on the sidewalk. Officer Cepeida began giving commands to Tovar and ordered him not to move. Officer Cepeida observed Tovar's handgun within his (Tovar's) reach. While waiting for backup units to arrive, Officer Cepeida stood behind the front right bumper of a Chevy sport utility vehicle which was parked on the south curb. Officer Cepeida moved onto the south sidewalk where he stayed until backup officers arrived. Officer Cepeida did not utilize cover as he stood on the sidewalk near Tovar.

The UOFRB noted Officer Cepeida, observed Tovar lying on the south sidewalk of Malabar Street. Officer Cepeida stood behind a Chevrolet sport utility vehicle parked on the south curb. After broadcasting his location and providing information regarding the OIS, Officer Cepeida left his position of cover and walked towards the sidewalk and Tovar. After approaching the sidewalk and monitoring Tovar, Officer Cepeida stated he was switching between watching Tovar as well as Officer Sagbigal, who was directly behind him. The UOFRB considered Officer Cepeida's lack of cover, the presence of Tovar's handgun, and his actions of monitoring Tovar while also attempting to monitor Officer Sagbigal. The UOFRB determined these circumstances increased the danger of the situation. Officer Cepeida's situation could have been improved had he utilized cover while monitoring Tovar.

In this case, I would have preferred that once Officer Cepeida recognized that Officer Sagbigal had been struck by gunfire, he should have remained with him and assisted by repositioning him to a place of cover. Officers should always be reminded that officer safety is of the utmost importance and rendering aid is priority over the apprehension of an outstanding suspect.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers Sagbigal and Cepeida's actions were a substantial deviation, without justification, from approved Department tactical training. To enhance their future tactical performance, I will direct that this topic be discussed during the Tactical Debrief.

ADDITIONAL TACTICAL DEBRIEF TOPICS

Tactical Communication/Planning – Officer Sagbigal exited his passenger side of the vehicle and stated he intended to conduct a pedestrian stop on Tovar. However, Officer Cepeida stated he and Officer Sagbigal did not intend on conducting a pedestrian stop on Tovar at the time. Additionally, after Officer Sagbigal alerted his partner to the presence of Tovar, Officer Sagbigal did not discuss a plan with Officer Cepeida, but instead ran after Tovar without notifying Officer Cepeida. I will direct that this topic be discussed during the Tactical Debrief.

Foot Pursuit Broadcast – Officer Sagbigal exited his police vehicle and observed Tovar was approximately ten feet away from him. Tovar immediately ran away along the west sidewalk, in a northerly direction and Officer Sagbigal ordered Tovar to stop. After observing Tovar continue to run, Officer Sagbigal gave chase and ran after Tovar, on foot, in a northerly direction. Officer Cepeida drove his police vehicle in reverse in the direction of Officer Sagbigal. Neither officer broadcasted to CD that Officer Sagbigal was in foot pursuit of Tovar. I will direct that this topic be discussed during the Tactical Debrief.

Separation/Foot Pursuit Tactics – As Officer Sagbigal ran after Tovar, Officer Cepeida placed his stopped vehicle in reverse and drove northbound on Fickett Street. Officer Cepeida maintained a visual of Officer Sagbigal during Officer Sagbigal's foot pursuit of Tovar. Once Officer Sagbigal ran west on Malabar Street, from Fickett Street, Officer Cepeida conducted an "L-turn". Officer Cepeida did so by driving in reverse in a northerly direction on Fickett Street, then in an easterly direction onto Malabar Street, all while maintaining a visual on Officer Sagbigal. Officer Cepeida was not able to see Tovar at that point and did not see Tovar firing his handgun at Officer Sagbigal. Officer Cepeida observed Officer Sagbigal firing his service

pistol in a southwesterly direction and fall to the ground. Officer Cepeida placed his vehicle in park, approximately 2 vehicle lengths away from Officer Sagbigal, and exited to approach Officer Sagbigal.

During this incident, Officer Cepeida had utilized his vehicle in attempt to parallel Officer Sagbigal, for a portion of the foot pursuit on Fickett Street, and, while doing so, placed himself at a distance that was too lengthy to immediately render aid or to engage in the tactical situation with Officer Sagbigal. The FID investigation determine Officer Sagbigal ran a total distance of 280 feet in approximately 16 seconds. During the entirety of that distance, Officer Cepeida was in his vehicle. From the time, Officer Cepeida stopped his vehicle, immediately before Officer Sagbigal began running, to the point that Officer Cepeida stopped his vehicle on Malabar Street to approach an already shot and fallen Officer Sagbigal, approximately twenty seconds passed. I will direct that this topic be discussed during the Tactical Debrief.

Searches of Arrestees – Officers M. Gomez and De La Riva each simultaneously searched an opposite side of Tovar, before placing him in the back of a black and white police vehicle for transportation. Officer M. Gomez searched Tovar's left side while Officer De La Riva searched Tovar's right side. Officers are reminded of the importance of thorough searches and the increased possibility of overlooking potential weapons when multiple officers simultaneously conduct a search of an arrestee. I will direct that this topic be discussed during the Tactical Debrief.

COMMAND AND CONTROL

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Los Angeles Police Department, Supervisor's Field Operations Guide, Volume 2, Emergency Operations Guide).

Sergeant Chacon drove to the location of OIS upon hearing the help call broadcast by Officer Cepeida, with Sergeant Olea as his passenger, from Hollenbeck CPS. Sergeants Chacon and Olea were the first supervisors to arrive at scene. While enroute to the location, he discussed, with Sergeant Olea, actions he would need to take once they arrived. Sergeant Chacon discussed separation, medical treatment for Officer Sagbigal, and a crime scene set up. Sergeant Chacon arrived and approached Officer Cepeida. Sergeant Chacon verified that Officer Sagbigal was being transported immediately. Sergeant Chacon ordered Officer Cepeida to have Tovar turn onto his stomach. Sergeant Chacon assigned Officers Cepeida, De La Riva, and M. Gomez as the arrest team. Sergeant Chacon provided oversight as Tovar was taken into custody. Once the arrest was completed, Sergeant Chacon directed Sergeant Olea to separate and monitor

Officer Cepeida. Sergeant Chacon ordered Sergeant Olea to take Officer Cepeida's PSS. Sergeant Chacon ordered Sergeant Vasquez to respond to LAC+USC Medical Center to take Officer Sagbigal's PSS. Sergeant Chacon began establishing a CP. Sergeant Chacon verified there were no outstanding suspects and directed uninvolved officers to establish an inner and outer crime scene.

The UOFRB noted Sergeant Chacon's active involvement immediately upon arrival. Sergeant Chacon dealt with high priority issues first, such as ensuring Officer Sagbigal was receiving medical transportation and forming an arrest team to approach Tovar. Sergeant Chacon also ensured involved officers were immediately separated and monitored while uninvolved officers and sergeants performed important duties such as canvassing for witnesses and ensuring there were no other shooting victims nearby.

The actions of Sergeant Chacon were consistent with Department supervisory training and met my expectations of a supervisor during an on-going investigation and related operations.

Sergeant Olea arrived with Sergeant Chacon and walked over to Officer Cepeida and Tovar. Sergeant Olea observed Tovar being taken into custody. Immediately after Officer Cepeida completed handcuffing Tovar, Sergeant Olea separated him from the other officers and took his PSS.

The UOFRB noted Sergeant Olea immediately began looking for additional suspects but returned to assist in the separation and monitoring of involved officers. Sergeant Olea filled the gaps as Sergeant Chacon was performing his duties as an IC. The UOFRB noted Sergeant Olea's work in conjunction with Sergeant Chacon was effective teamwork which provided well-rounded command and control at scene.

The actions of Sergeant Olea were consistent with Department supervisory training and met my expectations of a supervisor during an on-going investigation and related operations.

Sergeant Washington assisted Sergeant Chacon by setting up the crime scene. Sergeant Chacon directed Sergeant Washington to act as operations officer at the CP.

The actions of Sergeant Washington were consistent with Department supervisory training and met my expectations of a supervisor during an on-going investigation and related operations.

Sergeant Vasquez met with Officer Sagbigal and monitored him at LAC+USC Medical Center. Sergeant Vasquez took custody of Officer Sagbigal's BWV device. Sergeant Vasquez took Officer Sagbigal's PSS and continued to monitor him.

The actions of Sergeant Vasquez were consistent with Department supervisory training and met my expectations of a supervisor during an on-going investigation and related operations.

Sergeant Arangure notified the DOC of the Categorical Use of Force at 1937 hours.

The actions of Sergeant Arangure were consistent with Department supervisory training and met my expectations of a supervisor during an on-going investigation and related operations.

Lieutenant M. Bautista responded from Hollenbeck CPS after hearing the help call. After arriving, he declared himself as the IC over Hollenbeck Base Frequency. Lieutenant Bautista *shadowed* Sergeant Chacon and, in between Sergeant Chacon's broadcasts, Lieutenant Bautista asked him which officers were involved in the OIS to gather additional details. Lieutenant Bautista observed an unruly crowd forming nearby. Lieutenant Bautista assigned officers to the outer perimeter to ensure the crowd did not tamper with evidence. Lieutenant Bautista assigned Detective Cook and Sergeant Trimble to assist with the setup and management the CP. Lieutenant Bautista tasked Sergeant Washington with canvassing the location to identify witnesses. Lieutenant Bautista determined the general direction of Officer Sagbigal and Tovar's bullet path. Lieutenant Bautista directed officers to canvass the area to ensure there were no other shooting victims. Lieutenant Bautista maintained telephonic communication with Sergeant Arangure to relay pertinent information.

The actions of Lieutenant Bautista were consistent with Department supervisory training and met my expectations of a supervisor during an on-going investigation and related operations.

Sergeant Yerkey took over monitoring responsibilities of Officers De La Riva and M. Gomez. Sergeant Yerkey transported Officers De La Riva and M. Gomez to Hollenbeck CPS.

The actions of Sergeant Yerkey were consistent with Department supervisory training and met my expectations of a supervisor during an on-going investigation and related operations. The investigation revealed Sergeants Chacon and Olea arrived prior to the Non-Lethal Use of Force. Officers Cepeida, M. Gomez, and De La Riva approached Tovar to take him into custody. Sergeants Chacon and Olea handled the entire tactical situation, which involved not only taking Tovar into custody, but also setting up a perimeter, keeping residents away from evidence, ensuring Officer Sagbigal was transported, and canvassing for other possible shooting victims. As Sergeants Chacon and Olea were completing these tasks, the Non-Lethal Use of Force occurred.

The UOFRB noted Sergeants Chacon and Olea did not have a direct view of the Non-Lethal Use of Force and, according to their BWV footage, were not directly facing Officer Cepeida at the time it appeared Officer Cepeida placed his shin on or over Tovar's face.

The UOFRB noted all the supervisors responded after the OIS had occurred and completed their assigned tasks while maintaining effective command and control over the incident. The actions of Sergeants Chacon, Olea, Washington, Vasquez, Arangure, Yerkey and Lieutenant Bautista were consistent with Department supervisory training and my expectations of field supervisors during a critical incident.

TACTICAL DEBRIEF

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Officers Sagbigal and Cepeida's tactics substantially deviated from approved Department tactical training.

The UOFRB determined, and I concur, that Sergeants Chacon and Olea along with Officers M. Gomez and De La Riva's tactics did not deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Sergeants Chacon and Olea, Officers Sagbigal, Cepeida, De La Riva, and M. Gomez attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control;
- Lethal Force.

DRAWING/EXHIBITING¹⁴

Officer Sagbigal

First Occurrence

According to Officer Sagbigal, as he ran after Tovar in a westerly direction of Malabar Street, he observed Tovar stop and make eye contact with him. Officer Sagbigal observed Tovar reach into his waistband and produce a black object in his hand. Officer Sagbigal heard gunshots and observed muzzle flashes. Officer Sagbigal realized Tovar had shot at him, he felt immense pain and could not use his left arm. Officer Sagbigal utilized his right hand to draw his service pistol from the holster on the right side of his duty belt.

Officer Sagbigal recalled,

And he stopped and we made eye contact. And then he started reaching toward his waistband... next thing you know I hear two rounds. It's very dark... he's faced towards me and I see a, just a black—a black object in his hand. And I knew at that point, after I hear the gunshots and the muzzle flash, that he was shooting at me. And then I realize I was hit in the arm. I felt a lot of blood.¹⁵

The—at one—the point that I unholstered my weapon is when I realized that the suspect was firing at me... To my recollection, it wasn't until I realized I was getting shot at.¹⁶

...by the time, I realized I'm getting fired at or shot at, and my—my left arm became-- I couldn't use my left arm because of the immense pain, I didn't know the condition of what -- if I guess the condition of how bad it was, but at that point, I couldn't even lift my left arm, and so I only fired with just my one hand.¹⁷

When asked by FID Detectives which hand, he used to draw his service pistol, Officer Sagbigal stated, "My right hand."¹⁸

Second Occurrence

According to Officer Sagbigal, he was laying on his back in the middle of Malabar Street. As Officer Cepeida left him to approach Tovar, Officer Sagbigal observed a large crowd forming. Officer Sagbigal believed the group had come from a known gang residence. Officer Sagbigal was unsure if the group was going to attack him and execute him as he laid on the ground. Officer Sagbigal drew his service pistol again and ordered the group to get back.

¹⁴ Los Angeles Police Department Manual, Volume 1, Section 556.80.

¹⁵ Officer Sagbigal Transcript, Page 12, Lines 4-5, 8-13.

¹⁶ Officer Sagbigal, Page 29, Lines 11-13 and Lines 16-17.

¹⁷ Officer Sagbigal, Page 30, Lines 2-8.

¹⁸ Officer Sagbigal, Page 40, Line 7.

Officer Sagbigal recalled,

I unholstered again because I saw a large group from this location I've been talking about, 2452 Malabar, saw this large group coming at me. I don't know if they were going to attack me, and I don't know if they're going to attack my partner because my partner was occupied with a suspect with a firearm and had his back towards this 2452 Malabar, so I unholstered in the case that it's going to be something where they're going to try and executing me or trying to lynch the suspect from my partner or hit him over the head. I unholstered at that point and I warned them to, to get back.¹⁹

I had it pointed at a low-ready. I mean, I was already on the ground laying on my back, but I had it at a low ready at the crowd that was coming. It wasn't pointed.²⁰

Officer Cepeida

According to Officer Cepeida, he exited after stopping his police vehicle. As Officer Cepeida got closer to Officer Sagbigal, he drew his service pistol to provide cover for Officer Sagbigal. Officer Cepeida approached Officer Sagbigal while trying to pan from left to right, as far as the south side all the way to the southwest side of the street to see if Tovar had a position of advantage to ambush them. Officer Cepeida asked Officer Sagbigal if he knew where Tovar was located but did not receive a response. Officer Cepeida then heard a sound coming from a southwest direction. Officer Cepeida approached the southwest curb and observed Tovar on the ground. Officer Cepeida utilized a Harries technique and activated his flashlight to illuminate Tovar. Officer Cepeida utilized his right thumb to pull back the hammer of his double action service pistol and cocked it in the event Tovar got up quickly and Officer Cepeida needed to be ready to take one precise shot.

Officer Cepeida recalled,

I heard the first series of shots, I immediately saw my partner return fire...I got out of the car, got close to my partner to see how he was doing...He was just moaning in pain... I heard a sound in the southwest direction where the suspect was at.²¹

I just wanted to make sure like, okay, you know, I should cover down this location just in case and he returns to cover fire if this guy is still there. So, it was at the point where I got close to my partner where I drew my firearm.²²

I had my flashlight out to just illuminate the location and see him, make sure wasn't moving. So, I acquired at the Harries technique.²³

¹⁹ Officer Sagbigal, Page 32, Lines 16-25 and Page 33, Lines 13.

²⁰ Officer Sagbigal, Page 33, Lines 15-19.

²¹ Officer Cepeida, Page 25, Line 25, and Page 26, Lines 1-2, 5-6, 7, and 15-16.

²² Officer Cepeida, Page 24, Line 25, and Page 25, Lines 1-5.

²³ Officer Cepeida, Page 14, Lines 11-13.

It's a decocker...Just to be ready just in case he was going to get up quickly. I wanted to just be ready and on top of it...If I needed to take one precise precision shot, I just wanted to just take one if I needed to.²⁴

Officer De La Riva

According to Officer De La Riva, after arriving at scene he was unaware if it was still an active tactical situation and was unsure if there were additional suspects in the area. Officer De La Riva knew there had already been shots fired at an officer who had already been hit by the gunfire. Officer De La Riva drew his service pistol.

Officer De La Riva recalled,

Well, due to the tactical situation, there was shots fired...at an officer. An officer was hit. I don't know whether there, it was still an active tactical situation or not, being that I don't know if there was another suspect out there or so forth.²⁵

Officer M. Gomez

According to Officer M. Gomez, knowing the suspect was not in custody yet and an officer had been fired upon, he believed another shooting incident could have occurred and other officers or citizens on the street could be hurt. Officer M. Gomez drew his service pistol. Officer M. Gomez observed Officers De La Riva and Cepeida with their service pistols drawn. Officer M. Gomez determined he did not need to remain drawn and therefore holstered his service pistol. Officer M. Gomez walked to Officer Cepeida's location.

Officer M. Gomez recalled,

...due to the type of help call was...it was shots fired, officer needs help, officer down. So, at that point the suspect has not been in custody yet, and the outstanding weapon was still there, and unknown if there was any extra, of there was more additional suspects at the time. So, based on the circumstances and tactical situation, I unholstered my weapon to make sure that there was no other, no other incidents that could occur to hurt any other officers or citizens on the street.²⁶

The UOFRB conducted a thorough evaluation of the reasonableness of Officers Sagbigal, Cepeida, Gomez, and De La Riva's Drawing/Exhibiting of their service pistols. The UOFRB considered that Tovar had escalated the incident by shooting Officer Sagbigal in the arm. Officer Sagbigal drew his weapon in response to defend his own life. Officer Cepeida drew his firearm after hearing a shot being fired and seeing his partner had been shot. To defend his own life and the life of Officer Sagbigal, Officer Cepeida drew his service pistol.

²⁴ Officer Cepeida, Page 38, Line 25, and Page 39, Lines 1-2, and 5-6.

²⁵ Officer De La Riva, Page 29, Lines 8-13.

²⁶ Officer M. Gomez, Page 17, Lines 3-14.

The UOFRB considered that Officer Cepeida was alone with Tovar, who had just shot Officer Sagbigal. Officer Cepeida had observed Tovar's handgun, which was still within Tovar's reach. Officer Cepeida pulled back the hammer of his service pistol with his thumb in the event he needed to take a precise shot at Tovar if Tovar to attempt to arm himself and fire at Officer Cepeida. The UOFRB determined Officer Cepeida's actions were reasonable due to the extent of the threat which Tovar presented.

Officers M. Gomez and De La Riva heard that shots had been fired during the help call while enroute. Officers M. Gomez and De La Riva arrived after the OIS but knew a deadly threat was possibly still present upon their arrival. Officer Sagbigal drew his service pistol a second time when a crowd appeared to form and approach him. The UOFRB noted Officer Sagbigal verbalized a warning with the crowd, which proved to be effective.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Sagbigal, Cepeida, M. Gomez, and De La Riva's, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified. Therefore, I find Officers Sagbigal, Cepeida, M. Gomez, and De La Riva's Drawing/Exhibiting to be In Policy, No Further Action.

Use of Force – General

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*

- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

NON-LETHAL USE OF FORCE²⁷

Officer Cepeida – Bodyweight, Firm Grip

According to Officer Cepeida, he maintained his position and monitored Tovar until responding units arrived and an arrest team was formed. As soon as Officer Cepeida felt he had enough officers for an arrest team, which consisted of Officers De La Riva and M. Gomez, Officer Cepeida began his approach to take Tovar into custody. Officers De La Riva and Gomez approached with Officer Cepeida. Officer Cepeida ordered Tovar to get onto his stomach, but Tovar did not comply. Officer Cepeida holstered his service pistol and approached Tovar to handcuff him. Officer Cepeida knelt and placed his left knee on Tovar's upper back while his right knee was on Tovar's upper shoulder blade. Officer Cepeida utilized a firm grip with both hands to take hold of Tovar's right arm and move his arm and body off the wall. Officer Cepeida took hold of Tovar's right wrist, with both hands, and placed it behind Tovar's. Officer Cepeida applied a handcuff with his right hand onto Tovar's right wrist.

Officer Cepeida recalled,

I grabbed his right arm and just tried to put a handcuff on...his left arm was still in a position that was awkward. So, that's where we tried to move his body down from this—it looked like a small little wall... to move in this position where we can handcuff him to where we weren't going to injure him.²⁸

I would just consider it him being uncomfortable and in pain as far as us trying to readjust and acquire those handcuffs on his wrist and put it behind his back. And it was based on the positioning that he was in, him being pinned up against the wall. We asked him to move himself, and he did not.²⁹

²⁷ Los Angeles Police Department Manual, Volume 1, Section 556.10.

²⁸ Officer Cepeida, Page 27, Lines 24-25 and Page 28, Lines 3-4 and 5-7.

²⁹ Officer Cepeida's 2nd Transcript, Page 15, Lines 15-20.

He just did not move at all. So, we had to acquire certain different kind of angles and have -- when he to move him physically off that wall to gain compliance where we had to move his arm, his left arm behind his back.³⁰

I remember placing my left knee on the upper part of his back and getting a hold of his right wrist and then bringing it over behind his back to where I can apply my handcuff with my right hand.³¹

I don't believe there was a use of force. I think he was in a position where he was in an awkward position the way he was laying. We told him to get on his, on his face, on his stomach, and he didn't. I grabbed his right arm and, and just tried to put a handcuff on. And his left arm was still in a position that was awkward.³²

...he was kind of still awkwardly laying on, on a wall, so with the help of Officer De La Riva, we could move his body downward off that wall and, and flip his left hand to the small of his back, but I don't remember grabbing his hand. Maybe it was either me or Officer De La Riva that helped assist him do that. And that's what had caused some pain to him where we pulled him off that wall and moved his arm back.³³

I recall it being on the upper part of his, of his back area. And I also remember that the suspect was kind of in discomfort. Maybe some pain as far as the way his arm was positioned and was, was moving for that reason underneath me to where I remember kind of losing balance and having to adjust and acquire a better platform on top of him, and, having to put one of my hands on the wall that was right above him just to, to maintain balance on top of the suspect who was moving underneath me.³⁴

...I could have had my knee slip to the upper part of his back, maybe neck area, but it's because of the suspect's movements I had to reacquire some more balance.³⁵

When asked by FID investigators if he intentionally placed his leg on Tovar's neck or head area, Officer Cepeida stated, "No, I did not. I remember it was dark as far as first approaching, but I remember putting it on the top part --top part of his head. And I know that I was trying to gain stability from his movements and his moving underneath me, so I could have had my knee slip to the upper part of his back, maybe neck area, but it's because of the suspect's movements I had to reacquire some more balance."³⁶

³⁰ Officer Cepeida's 2nd Transcript, Page 15, Lines 21-25.

³¹ Officer Cepeida Transcript, Page 44, Lines 7-10.

³² Officer Cepeida Transcript, Page 27, Lines 20-25 and Page 28, Lines 1-2.

³³ Officer Cepeida Transcript, Page 44, Lines 24-25 and Page 45, lines 1-6.

³⁴ Officer Cepeida 2nd Transcript, Page 14, Lines 7-16.

³⁵ Officer Cepeida 2nd Transcript, Page 18, Lines 11-14

³⁶ Officer Cepeida's 2nd Transcript, Page 18, Lines 7-14.

When shown a still photograph of Officer Cepeida attempting to take Tovar into custody, Officer Cepeida replied, "So in this picture, it seems like I already had lost some balance on my platform on the suspect. So, it looks like I'm trying to gain balance by putting my right hand on --on the wall that's right above the suspect, because I remember I kind of lost balance while being on top of him and his movements."³⁷

Officer De La Riva – Bodyweight, firm grip

According to Officer De La Riva, he observed Officer Cepeida struggling to take Tovar into custody. Officer De La Riva utilized bodyweight and placed his knees on Tovar's lower back. Officer De La Riva utilized a firm grip with his left hand to grab Tovar's left hand and connect it to the handcuff being applied by Cepeida.

Officer De La Riva recalled,

*Cepeida moves to reach for his left arm. I see that he's having a hard time. Well, not a hard time, but he's not able to pull his, his left arm back.*³⁸

*That's when I get on his – his lower back and I grabbed his right hand from the handcuff in between both cuffs. Then Officer Cepeida pulls back his left arm... And I'm able to also grab it and handcuff him, handcuff his left arm.*³⁹

Officer M. Gomez – Bodyweight

According to Officer M. Gomez, utilized his bodyweight and placed his right lower leg onto Tovar's lower legs. Officer M. Gomez began searching Tovar's waistband for additional weapons.

Officer M. Gomez recalled,

*I just put my right--my right lower leg on both of his legs. I mean, my leg is big, so I could hold both legs down with my body. That's with me using my bodyweight.*⁴⁰

According to Officer M. Gomez, after Tovar was taken into custody, Tovar continued to put his feet together as Officer M. Gomez was searching a second time, prior to placing Tovar in the backseat of the police vehicle. Officer M. Gomez ordered Tovar to keep his legs apart as he conducted his search. Tovar continued to place his feet together. Officer M. Gomez placed his left leg in between Tovar's legs to prevent him from placing his feet together again. While doing so, Officer M. Gomez accidentally stepped on Tovar's foot.

³⁷ Officer Cepeida's 2nd Transcript, Page 20, Lines 1-7.

³⁸ Officer De La Riva Transcript, Page 39, Lines 10-13.

³⁹ Officer De La Riva, Page 15, Lines 22-24 and Page 16, Lines 1-2.

⁴⁰ Officer M. Gomez, Page 27, Lines 7-11.

Officer M. Gomez recalled,

I kept telling him to keep his legs spread, and then he kept putting his legs together. And at that time, I put my leg in between his legs to keep him from not putting his legs together. And that's when I accidentally stepped on his foot.⁴¹

As Officers Cepeida, M. Gomez, and De La Riva approached Tovar to take him into custody, it was noted Tovar's body positioning in relation to the wall he had laid next to on the south sidewalk. Tovar's left arm and left side was partially on the wall while his right side and arm were on the ground. Tovar's arm appeared to be pinned against the wall and did not follow officer's direction to lie on his stomach. The officers had to move his arm off the wall and behind his back with firm grips. Additionally, it was noted, Tovar complained of pain to his arm while being taken into custody and not pain to his head or neck area. The officers used the minimal amount of force required to take Tovar into custody, while using firm grips and bodyweight to place his hands behind his back and handcuff him.

During the UOFRB presentation it was noted 30 seconds passed from the time Officer Cepeida knelt onto Tovar's back until the time he stood up, after handcuffing Tovar. During these 30 seconds, it appeared Officer Cepeida's right shin appeared to be over or on Tovar's face, on the right side. The UOFRB closely examined the BWV of the officers involved. The UOFRB noted that Officer Cabral's BWV shows a point when Officer Cepeida stands up after having handcuffed Tovar. The UOFRB noted Tovar's head did not move at all when this occurred. The UOFRB opined that had Officer Cepeida been placing his bodyweight via his shin on Tovar's face, Tovar's head would have been affected, as evident by movement, when Officer Cepeida stood up. Additionally, the UOFRB noted that during the time which appeared to show Officer Cepeida's shin on Tovar's face, Tovar was not complaining about pain to his head but rather to his arm. Tovar did not complain about his head or neck at the time of the Non-Lethal Use of Force.

The UOFRB determined Officer Cepeida was not applying pressure with his bodyweight onto Tovar's head or neck area as evident by many factors. First, Officer Cepeida's right knee can be seen on Tovar's upper shoulder blade. Officer Cepeida's right foot appears arched with the toe portion of his boot on the ground. This positioning caused the UOFRB to determine that Officer Cepeida's right shin crossed over the area of Tovar's face, he did not apply pressure to it. The UOFRB determined Officer Cepeida's use of non-lethal force in utilizing firm grips to handcuff Tovar, as well as body weight, were reasonable given Tovar was not complying with the officer's commands as well as his actions of trying to "buck" off the officers with his body. Additionally, Officer M. Gomez observed Tovar resisting Officer Cepeida. Officer M. Gomez assisted Officer Cepeida with the use of bodyweight to take Tovar into custody. Officer De La Riva utilized his lower legs to apply bodyweight to Tovar to assist in controlling his movement so Officer Cepeida could complete handcuffing Tovar.

⁴¹ Officer M. Gomez, Page 13, Lines 12-17.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Cepeida, M. Gomez, and De La Riva, while faced with similar circumstances, would reasonably believe that this same application of non-lethal force would be reasonable to overcome Tovar's resistance.

Therefore, I find Officers Cepeida, M. Gomez, and De La Riva's Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

LETHAL USE OF FORCE⁴²

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

Officer Sagbigal – 9mm, 5 rounds, in a southwesterly from approximately 34 feet

According to Officer Sagbigal, he realized he was being shot at and had got hit by a gunshot. Officer Sagbigal felt a lot of blood. Officer Sagbigal wanted to make Tovar stop shooting at him. Officer Sagbigal saw Tovar's face and acquired a target of Tovar's center body mass. Officer Sagbigal acquired a shooting stance and with his right hand and punched out his service pistol. Officer Sagbigal fired approximately three to four rounds from his service pistol in a consecutive manner, from an approximate distance of thirty to forty feet, while assessing between rounds.

Officer Sagbigal recalled,

I was being shot at, and I got, I got hit by a gunshot, by a bullet. I could see him. I saw his face and I acquired a target, and I, I tried to put down the rounds to make him stop shooting at me.⁴³

And we're looking at each other after he took a shooting stance. I don't know if it's two hands or one hand. Again, it's dark, but I knew he had his stance that --with the gun in his hand, looking directly at me. And he wasn't over his shoulder. I knew he had stopped because there was no way he was running like this. I knew he had stopped and took a

⁴² Los Angeles Police Department Manual, Volume No.1, Section 556.10

⁴³ Officer Sagbigal, Page 29, Lines 21-23 and Page 30, Lines 12-15.

shooting stance towards me.... I tried to, in a sense, punch --punch out as best as I could. That way we were taught, if we were to shoot with one hand, kind of just punch out and get as best of a shooting stance as I could.⁴⁴

I shot approximately three, three to four times, shooting at him because he was shooting at me.⁴⁵

Id' say approximately 20 to—no, 30 to 40 feet...My target was...center body mass... They were --they were consecutive with --I guess it was consecutive, but there was some assessment in between. Those five, now, I believe were ineffective. Three to --however many rounds -- however many of my rounds, I didn't see if he --he wasn't --it was ineffective, and so that's why from each assessment. It was assessing as- as I was shooting.⁴⁶

In this case, the UOFRB assessed the reasonableness of Officer Sagbigal's use of lethal force. The UOFRB noted Officer Sagbigal's attempts at de-escalation with Tovar. Officer Sagbigal had identified himself as a police officer and ordered Tovar to stop despite his search and seizure probation conditions. Officer Sagbigal, while in pursuit of Tovar did not draw his service pistol until after being shot by Tovar and did not escalate the incident by doing so prematurely. The UOFRB noted Tovar's actions initiated the incident drastically. Tovar responded to Officer Sagbigal's order by saying "Fuck you" then running away. Tovar also stopped and turned to face Officer Sagbigal. Tovar produced a handgun and fired at Officer Sagbigal, firing numerous rounds at him. In defense of his own life, Officer Sagbigal fired to stop the deadly threat which Tovar presented. Due to Tovar's aggressive actions during the incident, as well as his deadly actions, the UOFRB determined an officer with similar training and experience would respond in the same manner as Officer Sagbigal and that his actions were reasonable.

The UOFRB also noted, that Officer Sagbigal, in response to the imminent deadly threat, discharged five rounds from his service pistol.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Sagbigal, would reasonably believe Tovar's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officer Sagbigal's Use of Lethal Force to be In Policy, No Further Action.

ADDITIONAL/EQUIPMENT

Required Equipment – Officer Sagbigal and Cepeida left their Side Handle Baton's in their police vehicle during their interaction with Tovar. This issue was brought to the attention of Captain S. Monico, Serial No. 30364, Commanding Officer, Hollenbeck Patrol Division, who

⁴⁴ Officer Sagbigal, Page 37, Line 25, Page 38, Lines 1-8, and Lines 15-18.

⁴⁵ Officer Sagbigal, Page 12, Lines 15-17.

⁴⁶ Officer Sagbigal, Page 40, Lines 1-2, Page 41, Lines 5,9,16-22, 25, and Page 42, Line 1.

advised this issue was addressed through divisional training. The Commanding Officer of Operations – Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action. As such, I deem no further action necessary.

Profanity – While Officer Cepeida waited for back up units to arrive, Officer Cepeida held his service pistol at a low ready while he watched Tovar, who was on the sidewalk. Officer Cepeida stated, “Don’t fuckin move you asshole.” This issue was brought to the attention of Captain Monico who advised Officer Cepeida received divisional training. The Commanding Officer of OCB and the Director of the OO concurred with this action. As such, I deem no further action necessary

Officer Sagbigal utilized profanity when speaking to a group of unknown persons approaching him as he was on the ground, after being shot. Officer Sagbigal stated “hey you guys better back the fuck up. Back the fuck up right now.” This issue was brought to the attention of Captain Monico who advised Officer Sagbigal’s actions were reasonable due to the seriousness of Tovar’s aggressive and deadly actions therefore no corrective action was taken. The Commanding Officer of OCB and the Director of the OO concurred with this action. As such, I deem no further action necessary.

Officer M. Gomez utilized profanity when speaking to Tovar. Tovar continued to close his legs and move around as Officers M. Gomez and De La Riva had custody of him, Officer M. Gomez stated to Tovar, “Stop fucking moving.” This issue was brought to the attention of Captain Monico who advised Officer M. Gomez received divisional training. The Commanding Officer of OCB and the Director of the OO concurred with this action. As such, I deem no further action necessary.

Preservation of Evidence – Officer H. Gomez arrived at the OIS location and ran to meet Officers Cepeida, De La Riva, M. Gomez, and Rodriguez who were standing near Tovar. Officer H. Gomez observed Tovar laying on the ground with a handgun approximately five feet away from his reach. Officer H. Gomez used her right foot to kick Tovar’s handgun to Officer H. Gomez’ left. Officer Gomez then picked up Tovar’s handgun and placed it on the ground, approximately three feet north of its original location. This issue was brought to the attention of Captain Monico who advised these issues were addressed through divisional training. The Commanding Officer of OCB and the Director of the OO concurred with this action. As such, I deem no further action necessary.

Medical Treatment - Requesting Rescue Ambulance – Tovar had an abrasion on the right side of his forehead. Officers M. Gomez and De La Riva did not request a rescue ambulance (RA) for a medical evaluation of Tovar’s injury. This issue was brought to the attention of Captain Monico who advised Officers Gomez and De La Riva received divisional training. The Commanding Officer of OCB and the Director of the OO concurred with this action. As such, I deem no further action necessary.

Body Worn Video – Officer Sagbigal observed Tovar walking eastbound out of the east/west alley on Fickett Street, directly south of 621 Fickett Street. Officer Sagbigal exited his police vehicle to conduct a pedestrian stop on Tovar. Officer Sagbigal did not activate his BWV prior to exiting his vehicle. Additionally, Officer Sagbigal engaged in a foot pursuit to apprehend Tovar. Officer Sagbigal did not activate his BWV during the foot pursuit. Officer Sagbigal activated his BWV device after being shot by Tovar and falling to the ground, approximately 13 seconds after the OIS, resulting in a late activation. Captain Monico who advised this deviation from Department policy was addressed through the generation of a Supervisor Action Item (SAI), and an Informal Meeting. The Commanding Officer of OCB, and the Director of OO, concurred with this action. As such, I deem no further action is necessary.

Officer Cepeida located Tovar on the south sidewalk, near 2446 Malabar Street. Officer Cepeida activated his BWV device, approximately 51 seconds after the OIS, resulting in a late activation. Captain Monico who advised this deviation from Department policy was addressed through the generation of a SAI and an Informal Meeting. The Commanding Officer of OCB, and the Director of OO, concurred with this action. As such, I deem no further action is necessary.

The FID investigation revealed that Sergeants Chacon, Olea, Washington, and Officers Delgado, Perez, Huerta, Huitz, Cabral, Ramirez, Sweet, Escalera, Mancía, Davis, H. Gomez, A. Martinez, and Orlik, were at their respective Community Police Stations (CPS) prior to activating their BWV and responding to the help call. As a result, they have less than a two-minute buffer.

The following personnel had less than two-minute buffer times and/or conducted in-field power-offs at scene:

The investigation revealed Sergeant Trimble, and Officers C. Tovar, Cruz, and Cardenas did not have a full two-minute buffer for their BWV device. An analysis by Hollenbeck Division determined Sergeant Trimble and Officers C. Tovar, Cruz, and Cardenas had no prior BWV non-compliance incidents. The issue was brought to the attention of Captain Monico who advised this deviation from Department policy was addressed through the generation of SAIs and Informal Meetings. The Commanding Officer of OCB, and the Director of OO, concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Officer Munoz, did not have a full two-minute buffer for his BWV device. An analysis by Hollenbeck Division determined Officer Munoz had no prior BWV non-compliance incidents. The Office of Operations conducted a random inspection of BWV's associated to Officer Munoz in March 2020 for compliance with BWV policy specific to late activation and no activation. The results of the inspection indicated Officer Munoz had one deviation in BWV policy. Officer Munoz separated from the Department on April 2, 2020, and no corrective action was able to be imposed. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Officer R. Martinez, did not have a full two-minute buffer for his BWV device. An analysis by Rampart Division determined Officer R. Martinez had three prior BWV non-compliance incidents. The issue was brought to the attention of Captain A. Gonzalez, Serial No. 34703, Commanding Officer, Rampart Patrol Division, who advised this deviation

from Department policy was addressed through the generation of a SAI and a Notice to Correct Deficiencies. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Officer Diaz, did not have a full two-minute buffer for his BWV device. An analysis by Rampart Division determined Officer Diaz had no prior BWV non-compliance incidents. The issue was brought to the attention of Captain Gonzalez who advised this deviation from Department policy was addressed through the generation of a SAI and an Informal Meeting. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Sergeants Giordano and Trunco, and Officers Castro, Ibarra, Mejia, and Rico did not have a full two-minute buffer for their BWV devices. An analysis by Northeast Division determined Sergeants Giordano and Trunco, and Officers Castro, Ibarra, Mejia, and Rico had no prior BWV non-compliance incidents. The issue was brought to the attention of Captain A. Sandoval, Serial No. 27250, Commanding Officer, Northeast Area, who advised this deviation from Department policy was addressed through the generation of SAIs and Informal Meetings. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Officers Rolon and Ramos, did not have a full two-minute buffer for their BWV devices. An analysis by Northeast Division determined both Officers Rolon and Ramos had two prior BWV non-compliance incidents. The issue was brought to the attention of Captain Sandoval who advised this deviation from Department policy was addressed through the generation of SAIs and the issuance of Employee Comment Sheets. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Officers Curtis, and Valencia did not have a full two-minute buffer for their BWV devices. An analysis by Central Division determined both Officers Curtis and Valencia had no prior BWV non-compliance incidents. The issue was brought to the attention of Captain T. Harrelson, Serial No. 32090, Commanding Officer, Central Area, who advised this deviation from Department policy was addressed through the generation of SAIs and Informal Meetings. The Commanding Officer of OCB, and the Director of OO, concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Officer Parra, did not have a full two-minute buffer for his BWV device. An analysis by Newton Division determined Officer Parra had no prior BWV non-compliance incidents. The issue was brought to the attention of Captain A. Baez, Serial No. 26623, Commanding Officer, Newton Area, who advised this deviation from Department policy was addressed through the generation of a SAI and an Informal Meeting. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The Office of Operations conducted a random inspection of BWV's associated to Sergeants Trimble, Giordano, Trunco, and Officers Sagbigal, Cepeida, Cruz, Tovar, Cardenas, Escalera, R. Martinez, A. Martinez, Diaz, Rolon, Castro, Rico, Ramos, Mejia, Ibarra, Curtis, Valencia, and Parra for a 30-day period, for compliance with BWV policy specific to late activation and no activation. The results of the inspection indicated all were in compliance.

The Office of Operations conducted a random inspection of BWV's associated to Officers Huitz, Mancía, and Davis from June 30, 2020 through July 29, 2020, for compliance with BWV policy specific to late activation and no activation. The results of the inspection indicated Officer Huitz had three deviations in Department BWV policy and both Officer Mancía and Davis had one deviation in Department BWV policy. Officer Huitz' deviations from Department policy were addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. Officer Mancía and Davis's deviations were addressed through the generation of SAIs and Informal Meetings. The Commanding Officer of OCB and the Director of OO concurred with this action.

The Office of Operations conducted a random inspection of BWV's associated to Officer H. Gomez from April 2020 through June 2020, for compliance with BWV policy specific to late activation and no activation. The results of the inspection indicated Officer H. Gomez had five deviations in Department BWV policy. These deviations from Department policy were addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of OCB and the Director of OO concurred with this action.

On-Going BWV Audits: With respect to Hollenbeck Patrol Division Officers Davis, Mancía, and H. Gomez, and Central Patrol Division Officer Huitz, I have directed the Office of Operations to coordinate continued BWV audits through Operations-Central Bureau for these officers to ensure continued compliance with the BWV policy.

AUDIO/VIDEO RECORDINGS

BWV – The FID investigation revealed there were 56 police officers equipped with BWV responding to the incident, with a total of 68 recordings. Thirty-one of the 68 recordings were relevant to the investigation.

Officers Sagbigal and Cepeida's BWV did not capture Tovar firing at Officer Sagbigal. Officer Sagbigal's BWV captured his response to being shot. Both Officers Sagbigal and Cepeida's BWV's were activated post-OIS.

Officer Cabral's BWV recording showed a portion of the Non-Lethal Use of Force in which Officer Cepeida's right shin appears to be over the right side of Tovar's face.

Officers Gomez and De La Riva's BWV showed a portion of the Non-Lethal Use of Force but due to positioning and a lack of lighting, only small portions of the Non-Lethal Use of Force were captured.

Digital In-Car Video System (DICVS) – The FID investigation revealed 36 police vehicles had DICVS which were activated. However, since the OIS occurred prior to responding officers' arrival, their DICVS did not capture the OIS.

Outside Video – The FID investigation revealed there were no outside videos related to this incident.

Respectfully,



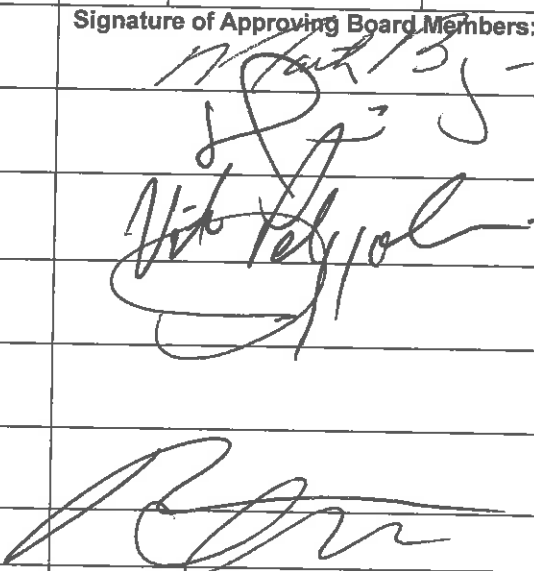
MICHEL R. MOORE
Chief of Police

Date: 9-29-20

LOS ANGELES POLICE DEPARTMENT
 USE OF FORCE REVIEW BOARD REPORT

| | | |
|-------------------|--------|------------------------|
| INC NO. 055-19 | CF NO. | DR. NO. 19-04-17517 |
| OIS | | |

REVIEW BOARD INFORMATION

| | | | |
|--|--|--|--|
| Location of Incident Malabar Street west of Fickett Street | RD 0456 | Date of Incident November 29, 2019 | Date and Time of Board Review August 26, 2020, at 1230 hours |
| Chairman Deputy Chief M. Baeza, Serial No. 26624 | Signature of Approving Board Members:  | | |
| Member (Office Representative) Commander M. Rimkunas, Serial No. 32211 | | | |
| Member (Operations Central Bureau) Deputy Chief V. Palazzolo, Serial No. 27433 | | | |
| Member (Police Training Bureau) Commander D. Randolph, Serial No. 27634 | | | |
| Member (Training Division) Sergeant A. Kukla, Serial No. 33249 | | | |
| Peer Member Sergeant II B. Kiefer, Serial No. 37641 | | | |
| Peer Member Officer A. Vest, Serial No. 39121 | | | |
| Presenting Commanding Officer Captain S. Monico, Serial No. 30364 | | | |
| NOTES: | | | |
| ADDITIONAL CONSIDERATIONS: | | | |
| MODIFICATION TO PRESENT POLICY, PRACTICES OR TRAINING: | | | |
| <input checked="" type="checkbox"/> COP Date Signed: <u>9/29/2020</u> <input checked="" type="checkbox"/> PC Date Submitted: <u>9/29/2020</u> | | | |

RECEIVED
 POLICE COMMISSION
 2020 SEP 29 AM 11:26

| | | | | |
|--|--|--|--|---|
| Employee (Last Name, First, Middle) Sagbigal, James | | Serial No. 41681 | Rank/Class Police Officer II | Incident No. 055-19 |
| Length of Employment 5 years, 5 months | | Current Division Hollenbeck | | Time in Current Division 1 year, 3 months |
| Use of Force Review Board | | Chief of Police | | Police Commission |
| Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In-Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

Notes:

RECEIVED
 POLICE COMMISSION
 2020 SEP 29 AM 11:27

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

Extensive Retraining

Notice to Correct Deficiencies

Personnel Complaint

Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

| | | | | |
|--|--|--|----------------------------------|---|
| Employee (Last Name, First, Middle) Chacon, Jaime | | Serial No. 32437 | Rank/Class Sergeant II | Incident No. 055-19 |
| Length of Employment 23 years, 11 months | | Current Division Hollenbeck | | Time in Current Division 1 year, 9 months |
| Use of Force Review Board | | Chief of Police | | Police Commission |
| Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| Drawing and Exhibiting the Firearm <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Drawing and Exhibiting the Firearm <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

Notes:

| | |
|--|--------|
| Final Adjudication for Out of Policy/ Administrative Disapproval Finding <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed | Notes: |
|--|--------|

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

| | | | | |
|--|--|--|---|---|
| Employee (Last Name, First, Middle) Olea, Leonardo | | Serial No. 35700 | Rank/Class Sergeant I | Incident No. 055-19 |
| Length of Employment 19 years, 7 months | | Current Division Hollenbeck | Time in Current Division 2 years, 11 months | |
| Use of Force Review Board | | Chief of Police | | Police Commission |
| Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| Drawing and Exhibiting the Firearm <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Drawing and Exhibiting the Firearm <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

Notes:

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

Extensive Retraining
 Notice to Correct Deficiencies
 Personnel Complaint

Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

| | | | | |
|---|--|--|--|---|
| Employee (Last Name, First, Middle) Gomez, Marlon | | Serial No. 37292 | Rank/Class Police Officer II | Incident No. 055-19 |
| Length of Employment 15 years, 1 months | | Current Division Hollenbeck | | Time in Current Division 1 year, 9 months |
| Use of Force Review Board | | Chief of Police | | Police Commission |
| Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Notes: | | | | |
| Final Adjudication for Out of Policy/ Administrative Disapproval Finding <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint | | Notes: | | |
| <input type="checkbox"/> Employee's Work History Reviewed | | | | |

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

| | | | | |
|--|--|--|--|---|
| Employee (Last Name, First, Middle) De La Riva, Juan | | Serial No. 39039 | Rank/Class Police Officer II | Incident No. 055-19 |
| Length of Employment 12 years, 1 months | | Current Division Hollenbeck | | Time in Current Division 1 year, 8 months |
| Use of Force Review Board | | Chief of Police | | Police Commission |
| Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

Notes:

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

Extensive Retraining
 Notice to Correct Deficiencies
 Personnel Complaint

Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

| | | | | |
|---|--|--|--|---|
| Employee (Last Name, First, Middle) Cepeida, Abel | | Serial No. 38386 | Rank/Class Police Officer II | Incident No. 055-19 |
| Length of Employment 12 years, 11 months | | Current Division Hollenbeck | | Time in Current Division 1 year, 1 month |
| Use of Force Review Board | | Chief of Police | | Police Commission |
| Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| Notes: | | | | |
| Final Adjudication for Out of Policy/ Administrative Disapproval Finding <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint | | Notes: | | |
| <input type="checkbox"/> Employee's Work History Reviewed | | | | |

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.